



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 6,868,802 *β2*

) Serial No. 10/602,913

) Inventor(s): Roger E. MCPHERSON *et al*

) Filed: June 24, 2003

) Issue Date: March 22, 2005

) Attorney Docket No. 006401.00396

For: ANIMAL LITTER, PROCESS FOR PREPARING ANIMAL LITTER, AND METHOD OF REMOVAL OF ANIMAL WASTE

REQUEST FOR CERTIFICATE OF CORRECTION

U.S. Patent and Trademark Office
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401 Dulany Street
Alexandria, VA 22314

Certificate
DEC 27 2005
of Correction

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one page.

The mistakes identified in the appended Form occurred through no fault of the Applicants, as clearly disclosed by the records of the application, which matured into this patent. Enclosed for your convenience are the relevant portions of the Specification filed June 24, 2003, the Information Disclosure Statement enclosed with the Office Action dated April 20, 2004, and the Amendment filed August 13, 2004.

Issuance of the Certificate of Correction containing the corrections is respectfully requested. Since these changes are necessitated through no fault of the Applicants, no fee is believed to be associated with this request. Nonetheless, should the Patent and Trademark Office determine that a fee is required, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: 12-22-05

By: [Signature]

Allen E. Hoover

Registration No. 37,354

1001 G Street, N.W. (11th Fl.)
Washington, D.C. 20001
(202) 824-3000

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,868,802 *B2*
DATED: March 22, 2005
INVENTOR(S): Roger E. MCPHERSON *et al*

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Cover Page, References Cited (56), U.S. Patent Documents:

Please replace "3,747,584 7/1973 Bickoff et al." with
--3,747,564 7/1973 Bockoff--

In the Specification, Column 4, Line 15:

Please replace "intra particle" with --intraparticle--

In Column 10, Claim 1, Line 11:

Please replace "(ii)" with --(i)--

Mailing Address of Sender:

Banner & Witcoff, Ltd.
11th Floor
1001 G Street, N.W.
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U.S. PAT. NO 6,868,802

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

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DATED: March 22, 2005
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U.S. PAT. NO 6,868,802

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THE PATENT AND TRADEMARK OFFICE IS REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL. **RECEIVED** THE FOLLOWING PAPERS HAVE BEEN RECEIVED. PTO

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10/602913



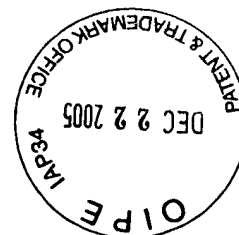
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222884- GPC

In re Application of McPherson et al., Filed June 24, 2003
For: ANIMAL LITTER, PROCESS FOR PREPARING ANIMAL LITTER, AND
METHOD FOR REMOVAL OF ANIMAL WASTE
U.S. Patent Application No. Unassigned

Enclosed: Utility Patent Application Transmittal (2 pages in duplicate); Application Data Sheet (2 pages); Specification (18 pages); Claims (5 pages); Abstract (1 page); Copy of Combined Declaration and Power of Attorney (3 pages); Preliminary Amendment (4 pages); Information Disclosure Statement (4 pages in duplicate); PTO Form-1449 (1 page); Copies of References AA-BF, and this return postcard.

AHF CMC

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such as dogs. It is further believed that washing will reduce the level of flavor components in the grain-based substrate.

The litter of the invention is in the form of discrete plural particles. Preferably, the litter includes discrete plural particles of grain germ and seed meal in admixture, generally an intimate blend of the germ or other substrate and the seed meal and any other ingredients. In accordance with a preferred embodiment of the invention, the particles are in the form of compressed or compacted particles, i.e., in the form of granules. By "granules" is meant particles that are compressed or compacted, such as by a pelletizing, extrusion, or similar compacting step. Such compression or compacting of the particles is preferred, inasmuch as the intraparticle cohesion of the particles will be enhanced by such compacting or compressing step. In the preferred embodiment of the invention, the granules are prepared by pelletizing the grain-based substrate in a pellet mill. The pellets prepared thereby are ground or crumbled to a granule size suitable for use as an animal litter. Preferably, the animal litter is in the form of granules having a granule size ranging from about 4 to about 400 mesh (USS); more preferably, about 8 to about 80 mesh; and most preferably about 14 to about 20 mesh. If the seed meal and grain based substrate are spent via solvent extraction, use of a lubricity agent such as corn oil may be necessary in the pelletizer, but such a lubricity agent ordinarily is not necessary if the ingredients are expeller extracted. In other embodiments of the invention, the litter is prepared by other compacting or compressing processes such as, for example, by extrusion of the grain-based substrate through a die and grinding of the extrudate to a suitable granule size.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,913	06/24/2003	Roger E. McPherson	222884	2146

23460 7590 04/20/2004

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

EXAMINER	
ABBOTT, YVONNE RENEE	

ART UNIT	PAPER NUMBER
3644	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

LEYDIG, VOIT & MAYER
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APR 26 2004

PAT/TM Due Date

006401.00396
DOCKETED ACTH
office action
APR 29 2004
response due 7/20/2004
Last day to respond 10/20/2004

Office Action Summary	Application No. 10/602,913	Applicant(s) MCPHERSON ET AL.	
	Examiner Yvonne R. Abbott	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-35, 37-40 and 42 is/are rejected.
- 7) ☒ Claim(s) 36 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/03</u> | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|---|--|

Please type a plus sign (+) inside this box →



Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	Unassigned
Filing Date	June 24, 2003
First Named Inventor	McPherson et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	222884

U.S. PATENT DOCUMENTS

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
9A	AA	3,747,564		Bickoff et al.	July 24, 1973	
	AB	3,789,797		Brewer	Feb. 5, 1974	
	AC	3,921,581		Brewer	Nov. 25, 1975	
	AD	3,923,005		Fry et al.	Dec. 2, 1975	
	AE	4,009,684		Kliment et al.	March 1, 1977	
	AF	4,157,696		Carberg	June 12, 1979	
	AG	4,206,718		Brewer	June 10, 1980	
	AH	4,258,660		Pris et al.	March 31, 1981	
	AI	4,311,115		Litzinger	Jan. 19, 1982	
	AJ	4,355,593		Stapley	Oct. 26, 1982	
	AK	4,374,794		Kok	Feb. 22, 1983	
	AL	4,519,340		Dickey	May 28, 1985	
	AM	4,560,527		Harke et al.	Dec. 24, 1985	
	AN	4,676,196		Lojek et al.	June 30, 1987	
	AO	4,770,878		Thomas	Sept. 13, 1988	
	AP	4,883,021		Ducharme et al.	Nov. 28, 1989	
	AQ	5,176,107		Buschur	Jan. 5, 1993	
	AR	5,188,064		House	Feb. 23, 1993	
	AS	5,193,489		Hardin	March 16, 1993	
	AT	5,207,830		Cowan et al.	May 4, 1993	
	AU	5,209,185		Chikazawa	May 11, 1993	
	AV	5,230,305		House	July 27, 1993	
	AW	5,361,719		Kiebke	Nov. 8, 1994	
	AX	5,415,131		Dodman	May 16, 1995	
	AY	5,526,770		Kiebke	June 18, 1996	
	AZ	5,605,114		Peltenburg et al.	Feb. 25, 1997	
	BA	5,664,523		Ochi et al.	Sept. 9, 1997	
	BB	5,690,052		Sladek	Nov. 25, 1997	
	BC	5,762,023		Carter	June 9, 1998	
	BD	5,878,696		Gerling et al.	March 9, 1999	
W	BE	6,187,581	B1	Sicotte et al.	Feb. 13, 2001	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
9A	BF	WO	99/30556		Grain Processing Corporation	June 24, 1999		

Examiner Signature

Date Considered

4-14-04

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign

*** TX REPORT ***

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FROM: Allen E. Hoover

Registration No. 37,354

COMPANY: USPTO

DATE: August 13, 2004

FAX NO.: (703) 872-9306

TOTAL NO. OF PAGES: 7

OUR REFERENCE NO.: 006401.00396

RE: In re Appln. of McPherson

Appln. No. 10/602,913

Filed June 24, 2003

For: ANIMAL LITTER, PROCESS FOR PREPARING ANIMAL LITTER, AND METHOD OF
REMOVAL OF ANIMAL WASTE

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Response to Notice of Non-Compliant Amendment

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 006401.00396)

In re U.S. Patent Application of McPherson.)
)
Application No. 10/602,913)
) Group Art Unit 3644
Filed: June 24, 2003)
) Examiner: Abbott
For: ANIMAL LITTER, PROCESS FOR)
PREPARING ANIMAL LITTER, AND) Confirmation No. 2146
METHOD OF REMOVAL OF ANIMAL)
WASTE)

AMENDMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed April 20, 2004, please enter the following response. The Examiner set a three-month period for response, thus making this Amendment due on or before July 20, 2004. It is believed that no additional fees are due in connection with this filing. However, if additional fees are due, the Office is authorized to charge such fees to Deposit Account No. 19-0733. Please amend the application as follows:

Amendments to the Claims begin on page 2 of this paper

Remarks/Arguments begin on page 3 of this paper.

AMENDMENTS TO THE CLAIMS:

Listing of Claims:

1-35. Cancelled.

36. (Currently Amended) ~~The animal litter of claim 1~~ An animal litter in the form of discrete plural particles, each of said particles comprising a compacted mixture, said mixture comprising:

(a) at least two cohesiveness agents in an amount effective to enhance the cohesiveness of the granules, wherein (i) at least one of the cohesiveness agents comprises a polysaccharide, and (ii) at least one of the cohesiveness agents is an ionic salt; and

(b) a corn-based liquid-absorbent substrate;

wherein the particles agglomerate when wetted and wherein at least one component of said litter tends to mask ammonia odors, wherein the corn-based liquid-absorbent substrate is an expeller-extracted corn-based liquid absorbent.

37-40. Cancelled.

41. (Currently Amended) ~~The method of claim 37~~ A method for removal of animal waste, comprising:

(a) providing a container including an animal litter, said animal litter being in the form of discrete plural granules, each of said granules comprising a corn-based liquid-absorbent substrate and at least two cohesiveness agents in an amount effective to enhance

the cohesiveness of the granules, wherein (i) at least one of the cohesiveness agents comprises a polysaccharide, and (ii) at least one of the cohesiveness agents is an ionic salt; and

(b) allowing an animal to excrete waste into said container, whereby liquid from said waste causes agglomeration of at least a portion of said litter into at least one clump; and

(c) removing at least one clump of agglomerated litter from said container,
wherein the corn-based liquid-absorbent substrate is an expeller-extracted corn-based liquid-absorbent.

42. Cancelled.